

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELEKTRA ENTERTAINMENT GROUP,
INC., ET AL

Plaintiff,

-against-

VICTOR TORRES

Defendant.

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MEMORANDUM AND ORDER

Civil Action No.
CV-07-640(DGT)

Trager, J:

Plaintiffs, a group of record companies each owning copyrights in songs, have brought this copyright infringement action against defendant, Victor Torres. This case is one of many similar cases proceeding in this court and throughout the country in which groups of record companies have joined together to sue individuals in an attempt to combat and deter what the recording industry perceives as massive copyright infringement over the internet ("Recording Industry Association of America, or 'RIAA,' cases").

Until now, all RIAA cases brought in the Eastern District of New York have been designated as related, and assigned to the same judge and magistrate judge. On December 5, 2007, Torres¹

¹ Fazlul Chowdhury, a defendant in a similar case, Maverick v. Chowdhury, No. 07-cv-00200, joins Victor Torres in this motion. In each case, The parties are represented by the same counsel.

moved to have his case reassigned and asked this court to order that other RIAA cases not be designated as related and instead be randomly assigned. For the reasons stated below, Torres's motion is denied.

Local Business Rule 50.3 governs the assignment of cases as related. It provides that:

A case is 'related' to another for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge.

Local Bus. R. 50.3(a). Parties may object to a case being designated as related to another, but Rule 50.3 is "not intended to give the parties a right to litigate where a particular case will be tried," instead, it "merely provide[s] the guidelines by which the Eastern District administratively handles and assigns its cases." United States v. Garces, 849 F. Supp. 852, 861 (E.D.N.Y. 1994). Moreover, Local Business Rule 50.4 provides that a case may only be reassigned "in the interest of justice and the efficient disposition of the business of the court." Local Bus. R. 50.4.

The RIAA cases have been treated as related and assigned to the same judge and magistrate judge because of significant factual and legal similarities. While the specific facts constituting each defendant's alleged infringing activity differ from case to case, each RIAA case involves almost identical

allegations, defenses, counterclaims, evidence, and technological issues. All of the plaintiffs have retained the same counsel, as have many of the defendants. Moreover, in the past four years more than 350 RIAA cases have been filed in this district, almost all of which involve relatively small sums of money. They generally present very similar factual and the same legal issues, although the latter have been relatively few for such a large number of cases. Having the same magistrate judge and judge preside over the entire group of cases, therefore, is significantly more efficient than random assignment. In addition, many of the defendants in these RIAA cases have limited resources with which to defend themselves, and Magistrate Judge Levy, who has become knowledgeable about these types of cases, has been instrumental in helping to secure equitable settlements for these defendants.

Thus, because treating the RIAA cases as related saves substantial judicial resources, Torres's motion to have his case reassigned is denied.

Dated: Brooklyn, New York
December 18, 2007

SO ORDERED:

_____/s/
David G. Trager
United States District Judge